

**DURHAM, NORTH CAROLINA
TUESDAY, SEPTEMBER 4, 2007
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Absent: None.

Also present: City Manager Patrick Baker, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the Pledge of Allegiance led by Council Member Clement.

Mayor Bell presented a Certificate of Appreciation to the 2007 North Durham Little League 11-12 Old All Stars for winning the North Carolina District Six Championship. Coach Chris Garrison introduced the team and coaches as well as made comments.

Council Member Woodard read a Resolution Memorializing Dr. Marcus E. Hobbs.

City Council Members made comments on the following events attended and special recognition of individuals, organizations, etc:

Council Member Catotti: Fire Department graduation; Durham Committee on Affairs of Black People Banquet - honorees Peggy Tapp and Eric Hester. She encouraged everyone to attend the following upcoming events: The Blues Festival, Screening debut of Georges Rousse project and CenterFest.

Council Member Clement: Bill Johnson; The Durham Bulls on winning the Southern Division League Championship; and Mike Shiflett – Durham Center for Senior Life.

Mayor Pro Tempore Cole-McFadden: Hillside High School Classes of 1949 and 1951.

Council Member Brown: Former Mayor Sylvia S. Kerckhoff who was in attendance.

Council Member Woodard: Water Management Director Terry Rolan Farewell Party and new Police Chief Jose Lopez.

Mayor Bell: Charles Elks and the Durham Parks & Recreation.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Baker requested that Agenda Item 11 [Street Closing - Unnamed Alley off Jackson Street] be referred back to the administration, reminded Council to appoint two Council Members at the September 6, 2007 Work Session relative to Agenda Item #17 [Non-City

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Agency Program Review Committee]; and asked that Agenda Item 26 [Proposed Acquisition of Property at 301 Archdale Drive] be deferred to the September 20, 2007 Work Session.

MOTION by Council Member Stith seconded by Mayor Pro Tempore Cole-McFadden to approve the City Manager's priority items was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

There were no priority items from the City Attorney.

City Clerk Gray swore in Hope L. Murdock as a member of the Recreation Advisory Commission.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Consent Agenda Item #28 [2007 G.R.E.A.T. PROGRAM GRANT AWARD] was pulled.

Council Member Clement stated he would be voting no on Consent Agenda Item #37 [Craig Davis Properties, Inc.]

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to approve the Consent Agenda as amended was approved at 7:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: VOLUNTARY ANNEXATION PETITIONS RECEIVED BY JULY 2, 2007

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to adopt the resolutions scheduling public hearings for Monday, September 17, 2007 to receive citizen comments concerning voluntary petitions for the following properties to be annexed with a recommended effective date of December 31, 2007 was approved at 7:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

- a) FY2007-07 Bungalow Avenue
- b) FY2007-09 The Worship Center
- c) FY2007-12 CVS Pharmacy
- d) FY2007-16 Obedience to the Word Church

Resolution #s 9493, 9494, 9495, 9500

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES

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MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to approve City Council Minutes for the August 6, 2007 City Council Meeting; and

To approve City Council action taken at the July 19, 2007 and August 9, 2007 City Council Work Sessions was approved at 7:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: WORKFORCE DEVELOPMENT BOARD – RECEIPT AND
ACCEPTANCE OF AN APPLICATION AND APPOINTMENT**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to receive and accept an application and to appoint Humberto Mercado to the Workforce Development Board to represent Private Sector with the term to expire on June 30, 2009 as recommended by the Durham Chamber of Commerce was approved at 7:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: CITY-COUNTY APPEARANCE COMMISSION – RECEIPT AND
ACCEPTANCE OF APPLICATIONS**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to receive and accept applications for citizens to fill three (3) vacancies on the City-County Appearance Commission with one (1) term expiring April 1, 2008, and two (2) terms expiring on April 1, 2010 was approved at 7:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: CITIZENS ADVISORY COMMITTEE – RECEIPT AND ACCEPTANCE
OF AN APPLICATION**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to receive and accept an application for a citizen to fill one (1) vacancy on the Citizens Advisory Committee with the term expiring on June 30, 2008 was approved at 7:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: CITIZENS ADVISORY COMMITTEE - APPOINTMENTS

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to appoint DeWarren K. Langley (term expires June 30, 2008) and to reappoint Anne Guyton and Beart Truitt-Braswell (terms expiring on June 30, 2010) to the Citizens Advisory Committee was

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approved at 7:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: REQUEST TO SET PUBLIC HEARING FOR SEPTEMBER 17, 2007 FOR FY 2006-2007 DRAFT CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to set the FY 2006-2007 draft Consolidated Annual Performance and Evaluation Report (CAPER) public hearing for September 17, 2007 to receive public comments was approved at 7:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: BID REPORT – JULY 2007

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of July 2007 was approved at 7:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Date: August 7, 2007

To: Patrick W. Baker, City Manager

Through: Wanda S. Page, Deputy City Manager
Kenneth C. Pennoyer, Finance Director

From: Joseph W. Clark, CLGPO, Purchasing Manager

Subject: Bid Report – July 2007

Recommendation

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of **July 2007**.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1. **Bid: Police Property and Evidence Storage System**

Purpose of Bid: To maximize the storage of particular evidence boxes in a newly leased space at Northgate Mall.

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Comments: The requirements were to maximize the storage space available. The desired maximum space was 1850 square feet. The low price proposal from Patterson Pope only contained 1,339 square feet of storage. The recommended alternate proposal from Gregory Grier contained 1,760 square feet of storage space.

Opened: June 18, 2007

Bidders:	Patterson Pope (static proposal) Cary, NC	\$ 29,020.00
	Gregory Grier, Inc. (alternate) Charlotte, NC	* \$ 39,147.00
	Patterson Pope (combo proposal) Cary, NC	\$ 54,358.00
	Gregory Grier, Inc. Charlotte, NC	\$ 59,638.00
	American Specialty Florence, SC	\$ 68,450.00
	Patterson Pope (mobile proposal) Cary, NC	\$110,095.00

*Awarded based on: _____ Low Bid X Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	21		# Black Males	1	5%
Total # Females	6	28%	# White Males	13	62%
Total # Males	15	72%	# Other Males	1	5%
			# Black Females	0	0%
			# White Females	6	28%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

2. Bid: Two (2) Service Truck Bodies

Purpose of Bid: To provide the Street Maintenance Division with a Service Truck Bodies.

Comments: Two bodies @ \$14,898.00 each.

Opened: July 13, 2007

Bidders: Ford Body Company * \$29,796.00

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Greensboro, NC
PJ's Truck Bodies & Equipment \$32,976.00
Dunn, NC

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	24		# Black Males	2	8%
Total # Females	2	8%	# White Males	14	59%
Total # Males	22	92%	# Other Males	6	25%
			# Black Females	0	0%
			# White Females	2	8%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

3. Bid: Four (4) 24-ton trailers

Purpose of Bid: To provide the Stormwater Maintenance, Street Maintenance, and Water & Sewer Maintenance with equipment trailers.

Comments: Four trailers at \$15,272 each.

Opened: July 10, 2007

Bidders:	Gregory Poole Equipment Co.	* \$61,088.00
	Raleigh, NC	
	Carter Machinery Company	\$67,060.00
	Salem, VA	

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	512		# Black Males	41	8%
Total # Females	68	13%	# White Males	386	75%
Total # Males	444	87%	# Other Males	17	3%
			# Black Females	5	1%
			# White Females	60	12%
			# Other Females	3	1%

The SDBE Data Base was used in the solicitation of bids for this item.

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4. Bid: Two (2) Tandem Vibratory Rollers

Purpose of Bid: To provide the Street Maintenance Division with two asphalt rollers.

Comments: Two rollers at \$36,300 each.

Opened: April 30, 2007

Bidders:	Arrow Equipment, LLC	* \$72,600.00
	Greensboro, NC	
	Linder Industrial Machinery Company	\$74,960.00
	Raleigh, NC	

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	25		# Black Males	0	0%
Total # Females	3	12%	# White Males	21	84%
Total # Males	22	88%	# Other Males	1	4%
			# Black Females	1	4%
			# White Females	2	8%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

5. Bid: Steel Road Plates

Purpose of Bid: To provide the Water Management Department with Road Plates

Comments: 20 plates @ \$2,650.00 each
Road Plates are used to cover temporary open holes and trenches in the roadway.

Opened: July 13, 2007

Bidders:	Coble Trench Safety	* \$53,000.00
	Raleigh, NC	
	Site Specific Services, Inc.	\$59,360.00
	Burlington, NC	

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

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Total Workforce	16		# Black Males	1	7%
Total # Females	1	6%	# White Males	14	87%
Total # Males	15	94%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	6%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

6. Bid: Four (4) Trench Shoring Boxes

Purpose of Bid: To provide the Water & Sewer Maintenance Division with Trench Shoring Boxes

Comments: 4 boxes at \$11,343.50 each

Opened: July 13, 2007

Bidders:	Coble Trench Safety	* \$45,374.00
	Raleigh, NC	
	Site Specific Services, Inc.	\$51,927.00
	Burlington, NC	

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	9		# Black Males	0	0%
Total # Females	0	0%	# White Males	9	100%
Total # Males	9	100%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	0	0%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

7. Bid: Cisco Networking Services Maintenance

Purpose of Bid: To provide Technology Solutions with a maintenance agreement for networking services.

Comments:

Opened: July 17, 2007

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Bidders:	CDW Government	*\$25,142.96
	Vernon Hills, IL	
	NWN Corp.	\$26,024.27
	Morrisville, NC	
	Calence	\$28,929.00
	Tempe, AZ	

*Awarded based on: ☒ Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	3166		# Black Males	131	4%
Total # Females	924	30%	# White Males	1627	51%
Total # Males	2242	70%	# Other Males	484	15%
			# Black Females	70	2%
			# White Females	695	22%
			# Other Females	159	6%

The SDBE Data Base was used in the solicitation of bids for this item.

8. Bid: Integration of Cityworks and Munis Software

Purpose of Bid:

Comments: Azteca is the sole source provider for this service/product.

Opened: July 18, 2007

Bidders:	Azteca Systems, Inc.	*\$30,250.00
	Sandy, Utah	

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	17		# Black Males	0	0%
Total # Females	4	24%	# White Males	10	59%
Total # Males	13	76%	# Other Males	3	18%
			# Black Females	0	0%
			# White Females	4	23%
			# Other Females	0	0%

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The SDBE Data Base was used in the solicitation of bids for this item.

9. Bid: Line Purge Dechlorinator and Attachments

Purpose of Bid: To provide Water & Sewer Maintenance with a line purge dechlorinator and attachments.

Comments:

Opened: July17, 2007

Bidders:	Pollardwater.com	*\$12,223.27
	New Hyde Park, NY	
	Integra Chemical Company	\$17,815.00
	Renton, WA	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	38		# Black Males	2	5.3%
Total # Females	2	5.3%	# White Males	30	73.6%
Total # Males	36	94.7%	# Other Males	4	15.8%
			# Black Females	0	0%
			# White Females	2	5.3%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (*).

SUBJECT: PIGGYBACK PURCHASE – FOUR (4) CASE BACKHOE LOADERS - BRIGGS CONSTRUCTION EQUIPMENT, INC.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to authorize the City Manager to enter into a contract with Briggs Construction Equipment, Inc., in the amount of \$300,080.00 for providing the City with four Case Backhoe Loaders; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:27

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p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: STREET CLOSING - UNNAMED ALLEY OFF JACKSON STREET
BETWEEN PAULI MURRAY PLACE AND CARROLL STREET (SC07-06)**

To adopt a resolution to set a public hearing on the proposed closing of an unnamed alley off Jackson Street between Pauli Murray Place and Carroll Street for October 1, 2007.

Note: This item was referred back to the administration at the request of the City Manager.

SUBJECT: MAJOR SITE PLAN– JOHNSON CHRYSLER OF DURHAM (D06-965)

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to approve a major site plan for “Johnson Chrysler of Durham,” submitted by Haden Stanziale, on behalf of Aqua Moon LLC, to construct a 53,790 square-foot vehicle sales facility with 402 display/inventory spaces, 67 service spaces, and 66 parking spaces, on 9.44 acres zoned CG(D), MTC, and F/J-B, with a landscape variation from the maximum distance of 100 feet spacing between street trees to provide continuity within the development for consistency with the established landscape pattern of Southpoint Autopark Mall-- the site is located on the south side of Southpoint Auto Park Boulevard, east and west of Johnson Victory Circle, and west of Audubon Lake Drive, PIN 0718-03-45-3109 was approved at 7:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: SETTING PUBLIC HEARING TO CONSIDER ORDERING
PETITIONED IMPROVEMENT - WATER MAIN ON ROGERS ROAD**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to accept a Certificate of Sufficiency from the Manager of Engineering and Stormwater for the following petition; and

To adopt a resolution setting a public hearing for September 17, 2007 to consider ordering the following improvement was approved at 7:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Water Main on Rogers Road from Penrod Road East to the East Property Line of
PIN 0852-04-92-7931.

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**SUBJECT: SETTING PUBLIC HEARINGS FOR THE CONFIRMATION OF
ASSESSMENT ROLLS - SEWER MAIN ON EASLEY STREET AND
HOLLOWAY STREET**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to adopt resolutions setting public hearings for September 17, 2007 for the following assessment rolls was approved at 7:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Sewer Main on Easley Street from Oberlin Drive to the East Property Line of
PIN 0803-04-53-3802; and

Sewer Main on Holloway Street from the West Property Line of PIN 0841-14-44-3521
to Rummel Street.

**SUBJECT: STREET ACCEPTANCES – AUBURN SUBDIVISION, PHASE II –
EAGLES POINTE SUBDIVISION, PHASE III**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to accept the streets on the list for maintenance by the City of Durham was approved at 7:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Auburn Subdivision – Phase II

- 1) Mallory Lane** – from the end of PH I construction southeast to the centerline of Fairmont Street (946') and
- 2) Richardson Circle** – from the centerline of Fairmont Street east thru the cul-de-sac (369') and
- 3) Fairmont Street** – from the centerline of Mallory Lane east then south to the centerline of Exchange Place (1,542') and
- 4) Drye Lane** – from the centerline of Mallory Lane northwest thru the cul-de-sac (304').)

Eagles Pointe Subdivision – Phase III

- 1) Eagle View Drive** – from the west ditch line of NC Hwy 751 west thru the cul-de-sac (995') and
- 2) Sundance Circle** – from the centerline of Eagle View Drive south and around to the centerline of Eagle View Drive (1,430'.)

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SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH OBEDIENCE TO THE WORD FULL GOSPEL CHURCH, INC. - OBEDIENCE TO THE WORD FULL GOSPEL CHURCH.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to authorize the City Manager to enter into a water and sewer extension agreement with Obedience to the Word Full Gospel Church, Inc. to serve Obedience to the Word Full Gospel Church was approved at 7:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: NON-CITY AGENCY PROGRAM REVIEW COMMITTEE

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to adopt a Resolution Authorizing the Establishment of the Non-City Agency Program Review Committee was approved at 7:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Resolution #9496

SUBJECT: HOME INVESTMENT PARTNERSHIPS AGREEMENT BETWEEN TRIANGLE RESIDENTIAL OPTIONS FOR SUBSTANCE ABUSERS, INC. AND THE CITY OF DURHAM TO PROVIDE PERMANENT FINANCING FOR A TRANSITIONAL HOUSING RESIDENCE AT 412 N. ELIZABETH STREET

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to authorize the expenditure of up to \$117,647.00 in HOME funds to Triangle Residential Options for Substance Abusers, Inc. (TROSA), for permanent financing of 412 N. Elizabeth Street;

To authorize the City Manager to execute a Permanent Loan Agreement and related documents in an amount of up to \$117,647.00, repayable over 20 years at 2% interest, with Triangle Residential Options for Substance Abusers, Inc. (TROSA); and

To authorize the City Manager to modify the agreements and other related documents before execution, provided that the modifications do not increase the dollar amount of the agreements and do not lessen the obligations of the contractor was approved at 7:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

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**SUBJECT: AMENDMENT TO PARRISH STREET 2004 HUD GRANT PROJECT
ORDINANCE #13127**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to authorize the City Manager to accept the U.S. Department of Housing and Urban Development Economic Development Initiative - Special Projects - FY2005 Parrish Street Revitalization Grant by executing the grant documents; and

To adopt the U.S. Department of Housing and Urban Development Economic Development Initiative - Special Projects - FY2005 Parrish Street Revitalization Grant Project Ordinance amending Grant Project Ordinance # 13127 was approved at 7:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Ordinance #13474

SUBJECT: BUSINESS LOAN REPORT JUNE 2007

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to accept the Business Loan Report for June 2007 was approved at 7:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: RENEWAL OF RISKMASTER SOFTWARE MAINTENANCE SUPPORT
CONTRACT - COMPUTER SCIENCES CORPORATION**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to authorize the City Manager to enter into a three year contract renewal (CSC Addendum No. 5) with Computer Sciences Corporation for RiskMaster technical support services for an annual fee of \$18,974.55 with the total contract amount not to exceed \$56,923.65 from July 1, 2007 through June 30, 2010; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: PROPOSED FEE SIMPLE ACQUISITION FOR WADE BROWN WATER
TREATMENT PLANT EXPANSION**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to approve the fee simple acquisition of 1509 and 1513 Goodwin Road, Parcel ID #183385 and

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#183261, respectively for \$195,000.00, property of James D. Lloyd and wife, Iris P. Lloyd was approved at 7:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: PROPOSED FEE SIMPLE ACQUISITION FOR THE GARRETT ROAD EXTENSION PROJECT - STALLINGS OIL COMPANY

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to approve the fee simple acquisition of the right of way (2180+ sq. ft.) temporary construction easement, (3790 + sq. ft.) and compensation for landscape damages for \$61,509.00 property of Stallings Oil Company, Parcel ID #135672 was approved at 7:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: PROPOSED SALE OF PROPERTY LOCATED ON MARTIN LUTHER KING, JR. PARKWAY TO LOWE'S HOME CENTERS, INC. - PARCEL #207956

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to declare Parcel #207956 surplus;

To authorize the sale of Parcel # 207956 by private sale to Lowe's under the authority of Section 86 of the City Charter;

To accept the offer of \$12,500.00 from Lowe's Home Centers, Inc. to purchase Parcel #207956; and

To authorize the City Manager to sell and the Mayor to convey to Lowe's Home Centers, Inc. Parcel #207956 by non warranty deed, contingent upon Lowe's receiving fee simple title to Parcel #146812 was approved at 7:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: REPORT ON PAVING HARVARD AVENUE

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to direct the Administration to prepare an agenda item to hold a public hearing to consider the ordering of this improvement under the Enabling Act Authority, and assessing the individual property owners a portion of the cost as outlined in the assessment rate schedule in effect at the time of the ordering was approved at 7:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

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SUBJECT: MUNICIPAL AGREEMENTS FOR NCDOT PROJECTS U-4012, B-3450, AND I-0306C – GARRETT ROAD

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the N. C. Department of Transportation for Project U-4012 (US 15-501 Widening from Garrett Road to Mt. Moriah Road) at an estimated cost of \$7,272.00;

To adopt a resolution authorizing the City Manager to execute a Supplemental Municipal Agreement with the N. C. Department of Transportation for Project B-3450 (Garrett Road Bridge Replacements over New Hope Creek and Sandy Creek) at an estimated cost of \$14,245.00; and

To adopt a resolution authorizing the City Manager to execute a Supplemental Municipal Agreement with the N. C. Department of Transportation for Project I-0306C (I-85 at Guess Road and Hillandale Road Landscape Enhancements) at an estimated cost of \$29,700.00 was approved at 7:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Resolution #s 9497, 9498, 9499

SUBJECT: MICROSOFT ENTERPRISE AGREEMENT SOFTWARE LICENSING TRUE-UP REPORT FOR FY 2007 - COMPUCOM SYSTEMS INC.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to authorize the City Manager to execute the True-Up Report to amend the contract with Compucom Systems Inc. in the amount of \$53,513.04 to cover the cost of the additional 84 licenses at \$637.06 each; and

To authorize the City Manager to modify the report before execution provided that modifications do not increase the dollar amount of the report and the modifications are consistent with the general intent of the existing version of the report was approved at 7:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: CRAIG DAVIS PROPERTIES, INC. – USE OF PLAZA AT DURHAM CENTRE

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to authorize the use of Plaza at Durham Centre by Craig Davis Properties, Inc. to serve beer and wine at the October 18, 2007 Fall Tech Journal Event was approved at 7:27 p.m. by the

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following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: Council Member Clement. Absent: None.

The City Council disposed of the following agenda items at the August 23, 2007 Work Session:

32. July 2007 Crime Report

To receive the July 2007 Crime Report.

Note: A report was received at the 8/23/07 Work Session.

33. First Amendment to American Tobacco Agreement

To conduct a public hearing to receive comments per GS 158-7.1;

To authorize the City Manager to execute the First Amendment to Development Agreement for American Tobacco; and

To authorize the City Manager to modify the contract provided that the modifications do not increase the dollar amount and the modifications are consistent with the general intent of the contract.

Note: This item was referred back to the Administration – Economic Development Dept..

36. Renaissance Economic and Reinvestment (REAR)

To receive comments from Alvis Aikens regarding revitalization and economic development.

Note: Comments were received at the 8/23/07 Work Session.

38. Dearcie Smith

To receive comments from Dearcie Smith regarding sidewalks and curbs.

Note: Citizen did not appear at the 8/23/07 Work Session.

39. Resolution Memorializing Dr. Marcus E. Hobbs

To adopt a Resolution Memorializing Dr. Marcus E. Hobbs.

Note: This item was approved at the 8/23/07 Work Session with a vote of 7/0.

[GENERAL BUSINESS AGENDA]

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SUBJECT: BEER AND WINE PRIVILEGE LICENSE ISSUANCE

To approve local beer and wine privilege licenses for the listed establishments.

Council Member Clement stated he is opposed to this item.

Victoria Peterson expressed serious concerns with college students drinking and too many businesses serving beer and wine. She made a recommendation that Council establish a task force to have better documentation to include car accidents happening in this community related to alcohol and asked that fees be increased to \$500 - \$1,000 with a percentage of those dollars going back into the community for rehabilitation.

Council Member Brown expressed concern with the low fee established by the state and asked staff to review and include this issue as part of the Legislative package--increasing the fee and a certain percentage of those funds to be utilized for alcohol treatment programs and to investigate what other states are charging.

Council Member Stith stated that the City Council does not have the authority to deny a license to businesses holding an ABC permit without the establishment of a complex quasi-judicial process as required under G.S.105-113.71(a). He asked the City Attorney do any of establishments listed arise to level of infractions that GS105 would be applicable so that the City could have a quasi-judicial hearing on the denial.

City Attorney Blinder replied the Police Department monitors problem establishments and when they identify circumstances, there is a procedure in place where that information could be used and presented to the ABC Board.

Finance Director Ken Pennoyer noted a report from the Police Department concerning any establishments on the lists being identified as a problem area will be provided during the next agenda cycle.

City Attorney Blinder made comments on the City's role.

Council held discussion on deferring this item, receiving a Police report on Thursday, item being placed on 2008 Legislative Program [increasing the fee], and PAC involvement.

It was indicated a report will be provided at the September 6, 2007 Work Session highlighting if troubling establishments are on the list, or have been pulled from the list.

MOTION by Council Member Woodard seconded by Council Member Catotti to approve local beer and wine privilege licenses for the listed establishments was approved at 7:43 p.m. by the following vote: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: Council Member Clement. Absent: None.

Status	Acct Name	Physical Address	Type
Renewal	Colonial Village Family Fare #196	2110 N. Roxboro Road	Convenience
Renewal	Plaza Garibald	315 Foushee St	Restaurant

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Renewal	Durham Coca Cola Bottling Co	1716 Camden Ave	Bottling Company
Renewal	Hong Kong Super Buffet	307 Foushee St	Restaurant
Renewal	I-85 Amoco Shop	2108 Avondale Dr	Convenience
Renewal	E & B Discounts	3302 Cheek Rd.	Discount Retailer
Renewal	U Sav Food Mart	1907 Cheek Rd	Convenience
New	El Salvador Restaurant & Mexican	1002 East Geer St	Restaurant
New	El Pantano Sport Bar	1000 East Geer Street	Bar
Renewal	Bekee Food Store & Grill	1302 Fay St	Restaurant
Renewal	Canal Street Grocery	508 Canal Street	Grocery Store
New	Triangle Brewing Company I	918 Pearl St	Brewery
Renewal	Village Bowling Lane	330 Hardee St	Bowling Lane
Renewal	Holloway Service Store	1505 Holloway St	Convenience
Renewal	Holloway Street Food Mart	1026 Holloway St	Convenience
Renewal	Kwik Stop Food Mart	1600 Holloway St	Convenience
Renewal	Caroco #1	702 N Alston Ave	Convenience
Renewal	Joyland BP	2406 Holloway St	Convenience
Renewal	Latin American Food	2502 Holloway St	Restaurant
New	Family Food Mart	1204 Worth St	Convenience Store
Renewal	Family Food Mart	1204 Worth St	Convenience Store
Renewal	Chino Latino Restaurant	2900 Holloway St	Restaurant
Renewal	Lighthouse Food Mart #101	2944 Holloway St	Convenience Store
Renewal	Community Store	106 S Guthrie Ave	Convenience Store
Renewal	El Toro Cantina	608 S Hoover Rd	Club
New	Las Palmas Mexican Restaurant	3801 Wake Forest Hwy	Restaurant
Renewal	Falls Village Golf	115 Falls Village Lane	Country Club
Renewal	Wellons Village Family Fare	921 N Miami Blvd	Convenience
Renewal	Wilco #195	1400 Miami Blvd	Convenience
Renewal	Kerr Drug Store #405	1812 Holloway St	Drug Store
Renewal	Crossroad Express	1007 N Miami Blvd	Convenience Store
Renewal	Food Lion #2589	121 Sherron Rd	Grocery Store
Renewal	Rose Mart #205	5108 Wake Forest Hwy	Convenience
Renewal	Wilco #191	803 E Geer St	Convenience Store
New	ABCY	1420 E Club Blvd	Convenience Store
Renewal	Lowes Food Stores Inc #426	1001 N. Miami Blvd	Grocery Store
Renewal	Cozart's Food and Produce	2717 Cheek Rd	Convenience
Renewal	Food Lion #234	2400 Holloway St	Grocery Store
Renewal	Mi Barro Mexican Restaurant	5023 Wake Forest Hwy	Restaurant
Renewal	Etna #3162	2301 Holloway St	Convenience
Renewal	Jose Jr Records	2202 Avondale Ave	Retail
Renewal	La Estrella Bakery	827 N Miami Blvd	Restaurant
Renewal	Star Carolina Food Mart, LLC	204 Hardee St	Convenience Store
New	Crossing at Grove Park	4023 Wake Forest Hwy	Restaurant
Renewal	Crossing at Grove Park	4023 Wake Forest Hwy	Restaurant
New	Taqueria El Paraiso	111 South Alston Avenue	Restaurant
		Total PAC 1	46

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New	Bubble's Billiards	105 Infinity Rd	Pool Room
Renewal	Eno BP	5292 N Roxboro Rd	Convenience
Renewal	Food Lion #57	5279 N Roxboro Rd	Grocery Store
Renewal	Cross Creek Convenience	3834 Guess Rd	Convenience Store
Renewal	The Pantry	4604 N Roxboro Rd	Convenience
Renewal	Food Lion #420	3808 Guess Rd	Grocery Store
Renewal	Toreros Mexican Restaurant	3808 Guess Rd	Restaurant
Renewal	North Durham Citgo	4535 N Roxboro Rd	Convenience Store
Renewal	Exxon Food Shop #13	4401 N Roxboro Rd	Convenience
Renewal	Las Palmas Mexican Restaurant #2	3814 N Duke St	Restaurant
Renewal	Duke Street BP	3804 N Duke St	Convenience
Renewal	Tommy's Mini Mart	1832 Cole Mill Rd	Convenience
Renewal	Cole Mill Billiards	1647 Cole Mill Road	Billiards
Renewal	Food Lion #747	3500 N Roxboro Rd	Grocery Store
Renewal	Italian Pizzeria	3500 N. Roxboro Street	Restaurant
Renewal	Pizza Palace of Durham	3218 Guess Rd	Restaurant
Renewal	Italian Café	3550 N Roxboro Rd	Restaurant
Renewal	Hong Kong Chinese Restaurant	3003 Guess Rd	Restaurant
Renewal	Shop N Go Food Mart	4640 Hillsborough Rd	Convenience
Renewal	Papa's Grill	1821 Hillandale Rd	Restaurant
Renewal	El Corral Mexican Restaurant	1821 Hillandale Road	Restaurant
Renewal	Meelo Restaurant	1821 Hillandale Road	Restaurant
Renewal	Homestead BP	2918 Guess Rd	Convenience
Renewal	Bragtown BP	3101 N Roxboro Rd	Convenience
Renewal	Kroger Limited Partnership I #366	1802 NORTHPOINTE Dr	Grocery Store
Renewal	Croasdaile BP	1815 Hillandale Rd	Convenience
Renewal	Courtyard by Marriott Durham	1815 Front Street	Hotel
New	Carniceria Y Tienda Guerrero	2929 N. Roxboro St.	Grocery Store
New	Thrills From The Grills	2827 North Roxboro Road	Caterer
Renewal	Hilton Hotel	3800 Hillsborough Rd	Hotel
Renewal	Golf Shop	1600 Hillandale Rd	Golf Shop
Renewal	Restaurant Los Amigos	2016 Guess Rd	Restaurant
Renewal	Tripps	918 W Club Blvd	Restaurant
Renewal	Texaco Food Shop # 21	3875 Hillsborough Rd	Convenience
Renewal	Wade's Texaco Service	1911 Guess Rd	Convenience
Renewal	Cruizers #32	3446 Hillsborough Rd	Convenience Store
Renewal	Don Becerra	2301 N Roxboro Rd	Convenience
Renewal	Kroger Limited Partnership I #331	3457 Hillsborough Rd	Grocery Store
Renewal	Eckerd Drugs #1100	200 N Lasalle St	Drug Store
Renewal	BP Roxboro Rd	2211 N Roxboro Rd	Convenience Store
Renewal	Yamato	1058 W Club Blvd	Restaurant
New	Phoenix 10 On The Plaza	1058 W Club Blvd	Movie Theater
Renewal	Joy Food Store	2109 N Roxboro Rd	Convenience Store
Renewal	King's Red & White	1305 E Club Blvd	Grocery Store
Renewal	Han Dee Hugo (77)	1203 W Club Blvd	Convenience

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Renewal	Hussco #1	2905 Hillsborough Rd	Convenience
Renewal	Grasshopper	2002 Hillsborough Rd	Restaurant
Renewal	EP East Campus	805 Broad St	Convenience
Renewal	Handi Food	518 E Trinity Ave	Convenience
Renewal	American Legion Post #7	406 E Trinity Ave	Club
Renewal	Dahir Brothers Inc (Triangle D)	403 W Trinity Ave	Convenience
Renewal	Manbites Dog Theater	703 Foster St	Theater
Renewal	Hills Market #2	201 E Geer St	Convenience
Renewal	Esquire Lounge	704 Rigsbee Avenue	Lounge
Renewal	Tienda Mi Pueblo	1418 Avondale Dr	Store
Renewal	Kangaroo Express #3442	3301 Guess Rd	Convenience
Renewal	North Durham Mobil	5100 Guess Rd	Convenience
Renewal	Upchurch Drugs	5112 N Roxboro Rd	Drug Store
Renewal	Kroger Limited Partnership I #33	5116 N Roxboro Rd	Grocery Store
Renewal	Yasmeen (Blue Express)	LSRC B110 LaSalle	Restaurant
Renewal	Kim Son	2425 Guess Rd	Restaurant
Renewal	Bamboo House	3600 N Duke St	Restaurant
Renewal	Magnolia Restaurant	1002 NINTH ST	Restaurant
Renewal	Shanghai Restaurant	3433 Hillsborough Rd	Restaurant
Renewal	Fast Food Mart #3	2106 Broad St	Restaurant
Renewal	One Hop Food Mart	2021 Guess Rd	Convenience
Renewal	Italian Pizzeria Restaurant	3823 Guess Rd	Restaurant
Renewal	Umstead Rd BP	5109 Guess Rd	Convenience
Renewal	New Dragon Inn	3823 Guess Rd	Restaurant
Renewal	La Maraka	3169 Hillsborough Rd	Restaurant
Renewal	Food Lion #1099	2930 W Main St	Grocery Store
Renewal	Harris Teeter #114	3823 Guess Rd	Grocery Store
Renewal	Eckerd Drugs #1030	1505 Broad St	Drug Store
Renewal	Eckerd Drugs #8555	3798 Guess Rd	Drug Store
Renewal	World Market	1515 NORTHPOINTE Dr	Wine Retailer
Renewal	Costco	1510 NORTHPOINTE Dr	Discount Retailer
Renewal	Croasdaile Country Club	3800 Farm Gate Ave	Golf Club
Renewal	Exxon Food Shop #23	100 Latta Rd	Convenience
Renewal	Eckerd Drugs #8552	5319 Roxboro Rd	Drug Store
Renewal	Rudino's Pizza & Grinders	1515 NORTHPOINTE Dr	Restaurant
Renewal	Kangaroo Express #3091	3705 N Duke St	Convenience
Renewal	Dales Indian Cuisine	811 NINTH Street	Restaurant
Renewal	J and M's Country Store	3112 N Roxboro Rd	Convenience
Renewal	Texas Roadhouse	1809 NORTHPOINTE Dr	Restaurant
Renewal	Tienda Salvadorena Kimberly	3117 A Guess Rd	Convenience
Renewal	Puebla Express Coffee Shop	2721 Guess Rd	Coffee Shop
Renewal	Bali Hai Mongolian Grill	811 NINTH ST	Restaurant
Renewal	Sirens Lounge	1803 W Markham Ave	Club
Renewal	Viva La Raza	324 W Geer St	Convenience
Renewal	Sabor Latina	4528 N. Roxboro Road	Bar
Renewal	Tienda Ayesha	2717 Guess Rd	Convenience
Renewal	Bowlings Exxon	4530 N. Roxboro Road	Convenience
Renewal	Quick Mart	3801 N. Duke Street	Store
Renewal	Kerr Drug # 407	3600 N Duke St	Convenience
Renewal	Broad Street Cafe	1116 Broad St	Drug Store
			Café

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New	Dain's Place	2211 Hillsborough Rd	Restaurant
New	Treyburn Country Club	1 Old Trail Dr	Country Club
New	One Hop Food Mart	370 Old Oxford Hwy	Convenience Store
New	Bluewater Group Inc	2002 Hillsborough Rd	Restaurant
		Total PAC 2	99
Renewal	Bennett Pointe Grill	4625 Hillsborough Rd	Restaurant
Renewal	Food Lion #939	4621 Hillsborough Rd	Grocery Store
Renewal	Tienda Y Carniceria "La Marqueta"	4701 Hillsborough Rd	Grocery Store
Renewal	Durham Pizza Restaurant	4707 Hillsborough Rd	Restaurant
Renewal	Westside BP	3511 Hillsborough Rd	Convenience
Renewal	West Campus BP	2432 Erwin Rd	Convenience
Renewal	Washington Duke Inn & Golf	3001 Cameron Blvd	Hotel
Renewal	Walkers Grocery	1003 1/2 Morehead Av	Convenience
Renewal	Hussco #2	1925 Chapel Hill Rd	Convenience
Renewal	Azteca Grill	1929 Chapel Hill Road	Restaurant
Renewal	Grayson's Café	2300 Chapel Hill Rd	Restaurant
Renewal	Four Square Restaurant	2701 Chapel Hill Rd	Restaurant
New	Tri Star Mobil	2900 DURHAM CHAPEL HILL BLVD	Convenience Store
Renewal	Rockwood Family Fare 402	2000 James St	Convenience
Renewal	Foster's Market	2694 DURHAM CHAPEL HILL BLVD	Convenience
Renewal	Thai Cafe	2501 University Drive	Restaurant
New	Sips Coffee & Tea	2501 University Drive	Restaurant
Renewal	Guglhupf Bakery & Patisserie	2706 Durham Chapel Hill	Restaurant
Renewal	Pao Lim Asian Bistro	2505 DURHAM CHAPEL HILL BLVD	Restaurant
Renewal	Boulevard BP	2685 DURHAM CHAPEL HILL BLVD	Convenience
Renewal	Mayflower Seafood Restaurant #1	3742 DURHAM CHAPEL HILL BLVD	Restaurant
Renewal	Romano's Macaroni Grill #58	4020 DURHAM CHAPEL HILL BLVD	Restaurant
Renewal	Varsity Ale House	3019 Auto Dr	Restaurant
Renewal	Juniors Long Island Pizza and Neighborhood	3019 Auto Dr	Restaurant
Renewal	Durham Ale House	3911 Durham Chapel Hill Blvd	Restaurant
Renewal	Sam's Club #4831	4005 DURHAM CHAPEL HILL BLVD	Discount Retailer
Renewal	Toreros IV Mexican Restaurant	4125 DURHAM CHAPEL HILL BLVD	Restaurant
Renewal	Fast Food Mart #2	2947 Chapel Hill Rd	Convenience
Renewal	Sitar India Palace	3117D Shannon Rd	Restaurant
Renewal	China Grand Buffet	3720 Mayfair St	Restaurant
Renewal	Chuck E Cheese's	3724 Mayfair St	Restaurant
Renewal	Spartacus of Durham	4139 DURHAM CHAPEL HILL BLVD	Restaurant
Renewal	Target Store T-1872	4037 DURHAM CHAPEL HILL BLVD	Retail
Renewal	Town N Country #7	3101 University Dr	Convenience
New	La Luna Night Club	3400 Westgate Drive	Club

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Renewal	Neo China Restaurant	4015 University Dr	Restaurant
Renewal	Red Lobster Restaurant #210	4416 DURHAM CHAPEL HILL BLVD	Restaurant
Renewal	Chili's	4600 Durham Chapel Hill	Restaurant
Renewal	On the Border Mexican Café #88	4600 DURHAM CHAPEL HILL BLVD	Restaurant
Renewal	Panda Inn Chinese Restaurant	4600 Durham Chapel Hill Blvd	Restaurant
Renewal	Garrett Road BP	4525 DURHAM CHAPEL HILL BLVD	Convenience
Renewal	Fuddruckers Inc #301	1809 Martin Luther King	Restaurant
Renewal	El Cuscatleco	4212 Garrett Rd	Restaurant
Renewal	El Palenque LLC	4226 Garrett Road	Restaurant
New	Tonali Restaurant	3642 Shannon Rd	Restaurant
		5504 DURHAM CHAPEL HILL BLVD	
Renewal	Ye Old Tavern		Bar
Renewal	Hope Valley BP	4148 Old Chapel Hill Rd	Convenience
Renewal	China Palace Restaurant	5210 Garrett Rd	Restaurant
Renewal	City Beverage	4810 Hope Valley Rd	Restaurant
Renewal	Cinelli's Ristorante & Pizzeria	5850 Fayetteville Rd	Restaurant
New	Sunset Grille	5832 Fayetteville Rd	Restaurant
Renewal	West 94th Street Pub	4711 Hope Valley Rd	Bar
Renewal	Yamazushi Japanese Restaurant	4711 Hope Valley Rd	Restaurant
Renewal	Bandidos Mexican Café	4711 Hope Valley Rd	Restaurant
Renewal	Food Lion #274	4711 Hope Valley Rd	Grocery Store
Renewal	Zip Mart #3088	4830 Hope Valley Rd	Convenience
Renewal	Kangaroo Express #104	4835 Hope Valley Rd	Convenience
Renewal	Kroger Limited Partnership I #331	202 W NC 54 HWY	Grocery Store
Renewal	Orient Garden	202 W NC 54 HWY	Restaurant
Renewal	Tsunami Sushi & Noodles	6118-B Farrington Rd	Restaurant
Renewal	Kangaroo Express #3101	2229 NC 54 HWY East	Convenience
Renewal	Amante Gourmet Pizza	6209 Falconbridge Rd	Restaurant
Renewal	Food Lion #1343	2000 Chapel Hill Rd	Grocery Store
Renewal	Target Store T-2069	8210 Renaissance Pkwy	Retail Store
Renewal	Armadillo Grill on Campus	Bryan Center - Duke University	Restaurant
New	Duke Dining/Bon Appetit Catering	Duke University Marketplace East	Restaurant
Renewal	El Rodeo Mexican South	4215 University Dr	Restaurant
Renewal	Food Lion #150	4215 University Dr	Grocery Store
Renewal	K-Mart #7340	4215 University Drive	Retail
Renewal	Tops Petroleum Corp #14	6007 Farrington Rd	Convenience
Renewal	California Pizza Kitchen	6910 Fayetteville Rd	Restaurant
Renewal	Frank & Stein (Dogs & Drafts)	6910 Fayetteville Rd	Restaurant
Renewal	Nordstrom	6910 Fayetteville Rd	Restaurant
New	Four Points By Sheraton	7807 Leonardo Drive	Hotel
Renewal	Kangaroo Express #3489	7840 Leonardo Dr	Convenience
		4508 DURHAM CHAPEL HILL BLVD	
Renewal	AMF Bowling Centers		Bowling Lane
Renewal	Total Wines & More	3615 Witherspoon Blvd	Retail Store
Renewal	Wingstop	1839 Martin Luther King Jr Pkwy	Restaurant
Renewal	University Market	1108 W Chapel Hill St	Convenience
Renewal	Millennium Hotel Durham	2800 Campus Walk Ave	Restaurant
Renewal	Stop N Go	2526 Erwin Rd	Convenience

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Renewal	Outback Steakhouse of Durham	3500 Mt. Moriah Rd	Restaurant
Renewal	Academy Quick Stop	3006 Academy Rd	Convenience
Renewal	Doyle's Sports Bar	3219 Chapel Hill Rd	Bar
Renewal	Homewood Suites	3600 Mt Moriah Rd	Hotel
Renewal	Eastern Lights	425 University Dr	Restaurant
Renewal	Faculty Club of Duke University	Science Dr & NC 751 HWY	Club
Renewal	Woodcroft Swim & Tennis Club	1203 Woodcroft Pkwy	Club
Renewal	Durham Elks Lodge #568	2670 DURHAM CHAPEL HILL BLVD	Club
Renewal	Harris Teeter #172	1817 Martin Luther King Jr	Grocery Store
Renewal	Champps American Restaurant	8030 Renaissance Pkwy	Restaurant
Renewal	Firebirds Rocky Mountain Grill	8030 Renaissance Pkwy	Restaurant
Renewal	Buy and Go Food Mart #3	4161 Old Chapel Hill Rd	Convenience
Renewal	Kanki House of Steak	3504 Mt Moriah Rd	Restaurant
Renewal	Maggiano's	8030 Renaissance Pkwy	Restaurant
Renewal	Q Shack	2510 University Dr	Convenience
Renewal	Phillips 66/Kicks #6312	109 West NC 54 HWY	Convenience
Renewal	Rockfish Seafood Grill	8030 Renaissance Pkwy	Restaurant
Renewal	PF Chang's China Bistro	6801 Fayetteville Rd	Restaurant
Renewal	Lakewood Amoco	218 Lakewood Dr	Convenience
Renewal	World Market	6807 Fayetteville Rd	Wine Retailer
Renewal	Ted's Montana Grill	6911 Fayetteville Rd	Restaurant
Renewal	Moe's Southwest Grill	6807 Fayetteville Rd	Restaurant
Renewal	Forest Hills Family Fare #255	1251 University Dr	Convenience
Renewal	Kroger	3420 Watkins Rd	Grocery Store
Renewal	Restaurant Starlu	5211 Shannon Rd	Restaurant
Renewal	Honduras Bar & Restaurant	1121 University Dr	Restaurant
Renewal	Wingstop	202 NC 54 HWY	Restaurant
Renewal	Morehead Mini Mart	1601 Morehead Ave	Convenience
Renewal	Jason's Deli	5408 New Hope Commons	Restaurant
Renewal	Chai's Noodle Bar & Bistro	2816 Erwin Rd	Restaurant
Renewal	Durham Catering Company	2512 University Drive	Restaurant
Renewal	Durham Catering Company	2512 University Drive	Restaurant
Renewal	Nantucket Grill	5925 Farrington Road	Restaurant
Renewal	Cheesecake Factory Restaurant	8030 Renaissance Pkwy	Restaurant
Renewal	Galaxy Supermarket	1233 University Drive	Grocery Store
Renewal	Kangaroo Express #3781	106 NC 54 HWY	Convenience
Renewal	Doc Green's	8128 Renaissance Pkwy	Restaurant
Renewal	Tomato Jake's Pizzeria	8202 Renaissance Pkwy	Restaurant
Renewal	Red Robin America's Gourmet	5324 Durham Chapel Hill Blvd	Restaurant
Renewal	Carrabbas Italian Grill	5312 New Hope Commons	Restaurant
		Total PAC 3	121
Renewal	Carolina Food Mart	1002 N Alston Ave	Convenience
Renewal	Food World	401 E Lakewood Avenue	Grocery Store
Renewal	Kerr Drug #434	710 Fayetteville St	Drug Store
Renewal	Handi Mart	1003 Fayetteville St	Convenience
Renewal	Eagle Community Food Mart	1224 Fayetteville Street	Convenience
Renewal	Bull City Riders MC	1311 S Roxboro St	Club
Renewal	New Evans Mini Mart	710 S Alston Ave	Convenience
Renewal	Hills Open Air Market	712 S Alston Ave	Convenience

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New	Roxboro Pure Mart	101 E Cornwallis Rd	Convenience Store
Renewal	Buy Quick Food Mart #5	103 W Cornwallis Rd	Convenience
Renewal	Food Lion #2593	3022 Fayetteville St	Grocery Store
Renewal	Parkview Mini Mart	433 Pilot St	Convenience
Renewal	Bull City Lodge #317	2311 S. Alston Ave	Club
Renewal	Town N Country #3	3700 Fayetteville Street	Convenience
New	Tienda Hispana "La Frontera"	1524 S Miami Blvd	Convenience Store
Renewal	La Regia Latina Mexican	2601 NC 55 HWY	Restaurant
Renewal	Phillips 66/Kicks #6330	3308 NC 55 HWY	Convenience
Renewal	Kangaroo Express #3780	3321 NC 55 HWY	Convenience
New	Bandidos Mexican Café	2806 S Miami Blvd	Restaurant
New	Eurest Dining Services	3039 Cornwallis Rd	Restaurant
Renewal	Ray's Elbow Room	4206 NC 55 HWY	Bar
Renewal	Arnies Place Billiards	1725 Carpenter Fletcher Rd	Bar
Renewal	The Food Mart #16	4319 NC 55 HWY	Convenience
Renewal	China One Restaurant	4325 NC 55 HWY	Restaurant
Renewal	Double Tree Guest Suites	2515 Meridian Pkwy	Hotel
Renewal	Courtyard by Marriott	301 Residence Inn Blvd	Hotel
Renewal	Cho Sun Ok Inc	2105 E NC 54 HWY	Restaurant
Renewal	Spice & Curry	2105 NC 54 HWY E	Restaurant
Renewal	Pizza Hut of Triangle Square	2107 E NC 54 HWY	Restaurant
Renewal	Exxon Food Shop #16	4706 NC 55 HWY	Convenience
Renewal	Han Dee Hugo (75)	2104 NC 55 HWY	Convenience
Renewal	BP Lowes Grove	2317 E NC 54 HWY	Convenience
Renewal	Brigs At the Park	4900 NC 55 Ste 520	Restaurant
Renewal	Shilla Oriental Market	2107 Allendown Drive	Grocery Store
Renewal	Time Out Bar & Grill	4310 S. Miami Blvd	Restaurant
Renewal	Wyndham Garden Hotel Durham	4620 S Miami Blvd	Hotel
Renewal	Marriott Research Triangle Park Hotel	4700 Guardian Dr	Hotel
Renewal	Triangle BP	5202 S Miami Blvd	Convenience
Renewal	Quality Mart #34	5203 S Miami Blvd	Convenience
Renewal	Bombay Grille	2223 E NC 54 HWY	Restaurant
Renewal	Akashi Japanese Grill and Sushi Bar	2223 E NC 54 HWY	Restaurant
New	Sheetz #398	3021 S Miami Blvd	Convenience Store
New	Sheetz #398	3021 S. Miami Blvd	Convenience Store
Renewal	Big Dog Tacos	5311 S Miami Blvd	Restaurant
Renewal	Flowers in the Park	5311 S Miami Blvd	Restaurant
New	Simply Thai and Sushi	4731 NC 55 HWY	Restaurant
Renewal	Food Lion # 2646	2121 TW Alexander Dr	Grocery Store
New	Manchesters Grill	2121 TW Alexander Dr	Restaurant
Renewal	Melting Pot	7011 Fayetteville Road	Restaurant
Renewal	Chili's	6917 Fayetteville Rd	Restaurant
Renewal	Johnny's Carinos	6709 Fayetteville Rd	Restaurant
Renewal	Sheraton Imperial Hotel	4700 Emperor Blvd	Hotel
Renewal	Springhill Suites	920 Slater Rd	Hotel
Renewal	Tandoor Indian Restaurant	5410 NC 55 HWY	Restaurant
Renewal	Thai Lanna Restaurant	5410 NC 55 HWY	Restaurant

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Renewal	Lakeshore Golf Course	4621 Lumley Rd	Golf Shop
Renewal	Kroger Limited Partnership I #381	3825 S Roxboro St	Grocery Store
Renewal	Town Deli Grocery #2	1432 Lawson St	Convenience
Renewal	Tommy's Mini Mart #10	1701 S Miami Blvd	Convenience
Renewal	Tommy's Mini Mart	1805 S Miami Blvd	Convenience
Renewal	Evans Food Mart	2500 Fayetteville St	Convenience
Renewal	China Express	2223 Highway 54	Restaurant
Renewal	Jamaica Jamaica	4853 S NC 55 HWY	Restaurant
Renewal	Food Lion #885	1908 Meredith Dr	Grocery Store
Renewal	Harris Teeter #140	237 E NC 54 HWY	Grocery Store
Renewal	Eckerd Drugs #3534	101 Woodcroft Pkwy	Drug Store
Renewal	Circle K Stores # 8627	100 Woodcroft Pkwy	Convenience
Renewal	Kangaroo Express #838	2503 NC 55 HWY & Riddle Rd	Convenience
Renewal	Kangaroo Express #3093	3223 NC 55 HWY	Convenience
Renewal	Kangaroo Express #3163	2322 NC 55 HWY	Convenience
Renewal	Homewood Suites	4603 Central Park Dr	Convenience
Renewal	Parkwood Convenience	5100 Revere Rd	Convenience
Renewal	Wine.Com	2410 Presidential Drive	Wine Retailer
Renewal	Hilton Raleigh Durham	4810 Old Page Road	Hotel
Renewal	Cruizers #20	1914 Sedwick Rd	Convenience Store
Renewal	In & Out Food Mart	911 Fayetteville Street	Convenience Store
New	A Taste of the Carribean & More	908 Fayetteville St	Restaurant
New	Discount Mart	3011 Fayetteville St	Retail Store
New	HPR C-Mart	614 Lakeland St	Convenience
		Total PAC 4	79
Renewal	Georges Garage	737 NINTH ST	Restaurant
Renewal	Charlie's Pub & Grille	758 NINTH ST	Bar
Renewal	Metro 8	746 9th Street	Restaurant
Renewal	Café Parizade	2200 W Main St	Restaurant
Renewal	Café Verde	2200 W Main St	Restaurant
Renewal	Blue Corn Café	716 NINTHST	Restaurant
Renewal	Fishmonger's Seafood Mkt	806 W Main St	Restaurant
Renewal	Vision	711 Rigsbee Ave	Club
Renewal	Trinity Park Family Fare #432	1016 W. Main Street	Convenience
Renewal	M & M #4	801 N Mangum St	Convenience
Renewal	Shooters II Inc	827 W Morgan St	Bar
Renewal	Savory Fare	908 W Main St	Restaurant
Renewal	Another Thyme	109 N Gregson Street	Restaurant
Renewal	El Rodeo Mexican Restaurant #2	905 W Main St	Restaurant
Renewal	Chamas Churrascaria	905 W Main St	Restaurant
Renewal	Mt Fuji Asian Bistro Sushi & Bar	905 W Main Street	Restaurant
New	Pizza Italia Inc	905 W Main St	Restaurant
New	Alivia's Durham Bistro	900 W. Main Street	Restaurant
Renewal	Toreros Mexican Restaurant	800 W Main St	Restaurant
Renewal	Down Under Pub	802 W Main St	Bar
Renewal	Piedmont	401 Foster St	Restaurant
Renewal	Pops	810 W Peabody St	Club
New	Parker and Otis	112 S. Duke Street	Retail Store

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New	Bull McCabe's Irish Pub	427 W Main St	Bar
New	Rue Cler Restaurant & Bakery	401 E Chapel Hill St	Restaurant
Renewal	Teasers Palace	315 W Main St	Club
Renewal	Sunshine Amoco	601 W Chapel Hill St	Convenience
Renewal	Boxer's Ringside	308 W Main St	Club
Renewal	MarVell Event Center	119 W Main St	Event Cente
Renewal	Talk of the Town	108 E Main St	Bar
Renewal	Freeway BP	308 S Alston Ave	Convenience
New	305 South	305 S Dillard St	Store
Renewal	305 South	305 S Dillard St	Store
Renewal	Coleman's	1006 E Pettigrew St	Restaurant
Renewal	Durham Bulls Athletic Park	409 Blackwell St	Restaurant
Renewal	Carolina Theatre of Durham Inc	309 W Morgan St	Theater
Renewal	Whole Foods	621 Broad Street	Grocery Store
Renewal	West Durham BP	1922 W Main St	Convenience
Renewal	Sam's Quick Shop	1605 Erwin Rd	Convenience
Renewal	Tosca Ristorante Italiano	604 W Morgan St	Restaurant
Renewal	Bull City Supermarket	1109 E Main St	Grocery Store
Renewal	Federal Lounge	914 W Main St	Restaurant
Renewal	Symposium Café	318 Blackwell St	Restaurant
Renewal	Selam Convenience Store	106 Morris St	Convenience
Renewal	Mellow Mushroom	410 Blackwell St	Restaurant
Renewal	Tyler's Restaurant & Taproom	324 Blackwell St	Restaurant
Renewal	Cafe Zen Asian Bistro & Sushi Bar	406 Blackwell St	Restaurant
		Total PAC 5	47

Total Beer/Wine Renewal 392

SUBJECT: RENEWAL OF CONTRACT FOR PHYSICIAN SERVICES - RESEARCH TRIANGLE OCCUPATIONAL HEALTH SERVICES, PA

City Manager Baker reported additional information has been provided to Council regarding the workforce statistics of Research Triangle Occupational Health Services, PA and the Risk Management Division of the Finance Department.

Mayor Pro Tempore Cole-McFadden asked how much does the City pay to lease the facility for which this physician works.

Dr. Stuart Manning made comments on his work with the City and reported the City does not pay anything for their component of the lease.

MOTION by Mayor Pro Tempore Cole-McFadden and seconded by Council Member Brown to authorize the City Manager to exercise the option to renew the physician services contract with Research Triangle Occupational Health Services, PA, in an amount not to exceed \$213,000.00 for the period of July 1, 2007 through June 30, 2008; and

To authorize the City Manager to exercise the option to renew the contract with RTOHS for a third and final year at a cost not to exceed \$244,000.00 provided there has been satisfactory

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contract performance was approved at 7:47 p.m. by the following vote: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard.
Noes: None. Absent: None.

**SUBJECT: PROPOSED ACQUISITION OF PROPERTY AT 301 ARCHDALE DRIVE
(PARCEL ID #134658) FROM FRIENDLY REST HOME, INC.**

To approve the fee simple absolute acquisition of land and improvements from Friendly Rest Home, Inc. (Parcel ID #134658) for \$725,000.00;

To authorize the City Manager to enter into an escrow agreement if remediation is necessary;
and

To authorize the City Manager to make changes to the agreement provided such changes are consistent with the substance of the sample escrow agreement.

Note: This item was deferred to the September 20, 2007 City Council Work Session at the request of City Manager Baker.

**SUBJECT: CONTRACT FOR PROGRAM MANAGEMENT SERVICES BETWEEN
THE CITY OF DURHAM AND MWH AMERICAS, INC.**

To authorize the City Manager to execute a contract for Program Management Services between the City of Durham and MWH Americas, Inc. in the amount of \$707,500.00; and

To authorize the City Manager to make changes to the contract document prior to execution so long as those changes do not increase the cost to the city, or decrease the scope of services to be provided.

City Manager Baker made comments on the handout referencing the request for additional information dated September 3. Regarding the \$110 million bond referendum, the City Manager stated it was the intention all along with the number of additional projects associated with that bond that the City would have to bring additional staff on in some sort of temporary basis. The Manager noted in that bond, \$300,000 a year over a period of five years was set aside for staff augmentation for a total of \$1.5 million. He reported the agenda item today includes two components--\$300,000 from the bond initiative leaving a balance of \$1.2 million in that staff augmentation balance, and \$100,000 of lapsed salaries, that is, certain positions have not been filled in anticipation of having this staff augmentation. He noted in last year's budget, staff did allocate \$300,000 for program management and those are the general fund dollars. The City Manager mentioned it was the administration's plan all along to augment staff to help deliver these projects as quickly as possible, on time and on budget. He made comments noting in the process of doing a RFQ, he became aware of a public-private partnership in Kansas City, Missouri that has won National awards in terms of ability to deliver these types of capital projects on time and on budget and to increase the staff capacity to deliver more projects to the

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citizens in a timely and responsible fashion. He noted MWH was the provider for these services in Kansas City and they provide a total program of not only augmenting the staff, but also looking at our processes and procedures and providing us with reports on how and what we can do better.

Council Member Clement raised a concern with the dollar amount for this item.

Mike Musgrave, of MWH, mentioned the issue of bringing efficiency to government. He noted if they can cut out unnecessary steps in the process, deliver projects faster and avoid the 8 - 10% escalation costs--the payback is huge. He stated the most important part of this is the legacy of improved processes and systems; efficiency and capacity so that you give City employees the proper tools and systems to do a good job and deliver on the promise with the 2005 bond issue. He stated MWH would like to be partners with the city, know how to do this and have been recognized by several national organizations for this product.

Council held discussion on the scope of work and accountability.

Mike Musgrave, of MWH, discussed the management tool: key performance indicators and gave an overview of previous projects they worked with in Durham and throughout North Carolina.

Council Member Stith raised a concern with the cost and noted staff does not have the expertise and capacity to bring projects in on time.

Council Member Catotti commented on the one-on-one meetings held with MWH representatives and noted concerns have been adequately addressed. She noted this project will go a long way in adding to our capacity and expertise to augment staff. She referenced a letter from the Kansas City Assistant City Manager of their results.

Mike Musgrave, of MWH, commented on the Kansas City project highlighting their backlog problem.

Mayor Pro Tempore Cole-McFadden reported on her conversations she had with Kansas City Council Member Terry Riley. She noted he discussed the impact it had on small businesses and how employees and citizens were satisfied with the results.

Council Member Brown expressed concern with the price and noted the development review process is broken in Durham. He reported developers are saying the process is overcomplicated, overreaching and over the limits of what many good developers can tolerate after a project is approved by Council.

Mike Musgrave, of MWH, outlined how they will be addressing the development review process.

Council Member Brown asked the City Manager how will various departments buy-in to fix the problem.

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City Manager Baker stated he does not anticipate there being issues of buy-in because every department understands the need to come together.

Council Member Woodard asked the City Manager if the funding source for this item included funds programmed in the bond and money from lapsed salaries from the General Services' operating budget.

City Manager Baker replied yes.

Council held discussion on the project schedule.

Council Member Woodard made comments in support of this item.

Mayor Bell noted he is aware of the work performed by MWH and spoke in support of this item.

Council held discussion on cultural change training, cost and staff augmentation.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute a contract for Program Management Services between the City of Durham and MWH Americas, Inc. in the amount of \$707,500.00; and

To authorize the City Manager to make changes to the contract document prior to execution so long as those changes do not increase the cost to the city, or decrease the scope of services to be provided was approved at 8:37 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: Council Member Clement. Absent: None.

**SUBJECT: ZONING MAP CHANGE - UNIVERSITY MARKETPLACE (Z07-09) –
GRE REGENCY, LLC – 3117 SHANNON ROAD, BETWEEN DURHAM-
CHAPEL HILL BOULEVARD AND UNIVERSITY DRIVE**

To conduct a public hearing to receive public comments on the zoning map change for University Marketplace (Z07-09);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z07-09 out of CC and OI and placing same in and establishing same as MU(D); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials; or Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public

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interest in light of information presented in the public hearing and in the accompanying agenda materials. Staff Recommendation: Approval, based on consistency with the Comprehensive Plan, and considering the information contained in this report. Planning Commission Recommendation and Vote: Approval, 12-0 on July 10, 2007. The Planning Commission finds that the ordinance request is consistent with the adopted Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report and comments received during the public hearing.

City/County Planning Director Frank Duke noted he has the required affidavits certifying that notice was provided for both of the Planning Department items on the agenda as required by North Carolina law.

Mr. Duke briefed Council on the staff report. He noted there is a development plan associated with this request. He gave an overview of the committed elements found on page 2 of staff report to include: maximum building height 75 feet, 3 uses within the mixed-used project--commercial, residential and office; combination of usage to ensure that they do not trigger the TIA requirements by capping peak hour trips--326 AM 866 PM; a provision precluding six uses: convenience stores with gasoline sales; funeral homes, kennels; self-service storage; vehicle service stations; fast food restaurants with drive-thru windows; timing, installation, design and material of the pedestrian areas; a provision for canopy trees in excess of the minimum ordinance requirements and a bus shelter. He stated the applicant has submitted an additional committed element-- the developer shall make a \$10,000 contribution to the City of Durham for the construction of sidewalks in the general vicinity of the site in order to promote pedestrian mobility and this contribution shall be made prior to the issuance of a certificate of occupancy for the retail space completed within the development. He noted the request is consistent with the Comprehensive Plan; staff and the Planning Commission both recommended approval of this item.

Mayor Bell opened the public hearing.

Proponents

Craigie Sanders, representing the applicant, spoke in support of this zoning map change. He stated this project would be the first vertical mixed-used project on this side of Durham and made comments on the committed elements. He urged Council to support this request.

Patrick Byker, representing the applicant, provided background information on this project.

Former Mayor Sylvia S. Kerckhoff, of 1511 Pinecrest Road, spoke in support of this zoning map change. She noted this redevelopment project gives Durham an opportunity to attract better quality shopping and urged Council to remove this eyesore and approve this exciting mixed-used development.

No one spoke in opposition to this zoning map change.

Mayor Bell closed the public hearing.

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MOTION by Council Member Stith seconded by Mayor Pro Tempore Cole-McFadden to conduct a public hearing to receive public comments on the zoning map change for University Marketplace (Z07-09);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z07-09 out of CC and OI and placing same in and establishing same as MU(D); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 8:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Ordinance #13476

SUBJECT: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT - FINAL PLAT APPROVAL (TC07-07)

To conduct a public hearing to receive public comments on the Unified Development Ordinance (UDO) Text Change - Final Plat Approval (TC07-07); and

To adopt an Ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, incorporating revisions to Article 3, Applications and Permits.

City/County Planning Director Frank Duke briefed Council on the text amendment authorizing the Planning Director or his designee to approve final plats. He noted staff and the Planning Commission recommended approval of this request.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Council Member Stith seconded by Council Member Woodard to conduct a public hearing to receive public comments on the Unified Development Ordinance (UDO) Text Change - Final Plat Approval (TC07-07); and

To adopt an Ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, incorporating revisions to Article 3, Applications and Permits was approved at 8:49 p.m. by the following vote: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Ordinance #13477

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[ITEM PULLED FROM CONSENT AGENDA]

**SUBJECT: FY 2007 GANG RESISTANCE EDUCATION AND TRAINING
(G.R.E.A.T.) PROGRAM GRANT AWARD - U. S. DEPARTMENT OF
JUSTICE**

Victoria Peterson voiced a concern about the amount of monies that will be utilized for travel. She made a suggestion that staff check with the religious schools and that all crime monies be used to create a Crime Commission with public involvement. She also requested a copy of the curriculum.

City Manager Baker asked the Police Department to provide Ms. Peterson, the City Council and himself with information requested. He also referenced a letter he received from the Department of Justice that highlighted categories for how monies should be spent.

MOTION by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to accept the U.S. Department of Justice, Office of Justice Programs, 2007 Gang Resistance Education and Training (G.R.E.A.T.) Program grant by executing the grant documents in the amount of \$60,300.00; and

To adopt the U.S. Department of Justice, Office of Justice Programs, 2007 Gang Resistance Education and Training (G.R.E.A.T.) Program grant project ordinance in the amount of \$67,000.00 was approved at 8:52 p.m. by the following vote: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Ordinance #13475

At this time during the meeting, Mayor Pro Tempore Cole-McFadden mentioned she received a letter from the City Manager from Spearman, Texas who praised City staff [Janice Haskins and another employee] for their customer service during his visit to Durham.

There being no further business to come before the City Council, the meeting was adjourned at 8:53 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk